

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

KAREN URIBARRI-TIBABUZO / LITTLE EXPLORERS BILINGUAL DAY CARE LLC, SP 2016-BR-011 Appl. under Sect(s). 3-803 and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 9932 Lakepointe Ct., Burke, 22015, on approx. 1,500 sq. ft. of land zoned R-8 (Cluster). Braddock District. Tax Map 78-1 ((6)) 43. Mr. Smith moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on August 3, 2016; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are the owners of the land.
2. The present zoning is R-8 C.
3. The area of the lot is 1,500 square feet.
4. In this case, five children are permitted by-right. While the Zoning Ordinance does allow for up to twelve, twelve is clearly too many children in a facility this size.
5. With a 1,500-square foot lot, which includes only 578 square feet for the play area, sleeping rooms, and bathroom; adjoining units on both sides of this unit; and the parking situation, ten would be too many children under these circumstances.
6. The applicant has read, understands, and concurs with the proposed development conditions as modified.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicants, Karen Uribarri-Tibabuzo d/b/a Little Explorers Bilingual Day Care, LLC, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 9932 Lakepointe Court, and is not transferable to other land.

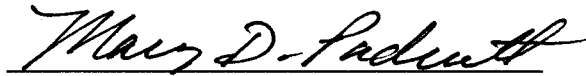
2. This special permit is granted only for the home child care use indicated on the plat entitled, "House Location Survey, Lot 43," prepared by Stephen L. Moore on April 5, 2015, as revised by the applicant Karen Uribarri-Tibabuzo on February 16, 2016, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit shall be posted in a conspicuous place on the property and be made available to all departments of the County of Fairfax during the hours of operation of the home child care facility.
4. All pick-up and drop-off activities shall occur in the applicant's reserved parking space or a parking space reserved for the townhouse community. The applicant's assigned parking space shall be open at all times during the hours of operation of the home child care facility.
5. The hours of operation of the home child care facility shall be limited to 7:00 a.m. to 5:00 p.m., Monday through Friday.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. Excluding the applicant's own children, the maximum number of children on site at any one time shall not exceed eight (8), limited to children aged 5 years, 11 months and under.
8. A maximum of two non-resident employees, whether paid or not for their services, may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 5:00 p.m.
9. There shall be no signage associated with the home child care facility.
10. Any portions of the dwelling associated with the home child care facility that are used as children's sleeping or rest areas shall be located in a room with an operable exterior window, door, or similar device that provides for a means of escape and access for rescue in the event of an emergency. Such emergency escape shall be of the dimension and size specified by the Virginia Uniform Statewide Building Code.
11. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number and ages of children being cared for at the home child care facility limited to pre-school aged children.
12. The child care facility shall be operated in accordance with Chapter 30 of the County Code, entitled "Minimum Private School and Child Care Facility Standards."

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

Ms. Theodore seconded the motion, which carried by a vote of 6-0. Mr. Byers was absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script, reading "Mary D. Padrutt", written over a horizontal line.

Mary D. Padrutt, Deputy Clerk  
Board of Zoning Appeals